Appeal Decision
Site visit made on 12 July 2016

by A Napier  BA(Hons) MRTPi AIEMA
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2016

Appeal Ref: APP/Z5060/D/16/3148612
16 Sylvan Avenue, Chadwell Heath, Romford RM6 6BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr J Bhambra against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 16/00349/PRIOR6, dated 9 March 2016, was refused by notice dated 12 April 2016.
- The development proposed is single storey rear extension with skylights in roof.

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey rear extension with skylights in roof at 16 Sylvan Avenue, Chadwell Heath, Romford RM6 6BE in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to notify adjoining owners of the proposed development and, where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposal on the amenity of any adjoining premises.

3. In this particular case, whilst the representation from the neighbouring occupier at No 14 Sylvan Avenue received as part of the application process has been referred to by the Council, it is unable to provide a copy of this letter. However, as details of this representation are included within the Council’s officer report on the application, I am satisfied in this case that it is very probable that this letter was received at that time and that it is reasonable to consider the appeal on this basis.

4. The local planning authority must assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of the appeal will be made in the same manner.
Reasons

5. From the details provided, the Council considers that the proposal would meet the relevant criteria for permitted development and I see no reason to disagree with this assessment. The proposed extension would replace an existing extension to the rear of the appeal dwelling, which is a mid-terrace two-storey property, situated within a short row of other similar houses. A number of the neighbouring houses have also been extended, including the properties to either side, with windows and doors to their rear elevations. In the main, these neighbouring extensions are broadly similar in depth to the existing appeal extension, although they vary in detail and, in the case of No 14, include a conservatory adjacent to the site.

6. The proposal would extend across the full width of the appeal site and materially increase the depth of built development along the shared side boundaries. This would inevitably alter the outlook from the neighbouring dwellings and increase the sense of enclosure within the gardens of the immediately adjacent properties. However, these gardens are relatively generous in size and extend some considerable distance from the rear elevation of the dwellings. Taking this into account and given the overall scale of the proposal, including its limited height, I consider that its effect would not be unacceptably oppressive or unreasonably overbearing on neighbouring occupiers.

7. In addition, the rear elevations of the dwellings are north facing. As such, whilst the proposal would lead to some loss of light to neighbouring occupiers, both inside and outside their dwellings, due to this orientation and the limited height of the proposal, I consider that any overshadowing would be very modest and the impact of the proposed extension in respect of light would be limited. As such, overall, I am satisfied that it would not be materially harmful to neighbouring living conditions.

8. Accordingly, whilst the depth of the proposal would not be in accordance with the guidance in the Council’s Residential Extensions and Alterations supplementary planning document, in this case, I consider that the appeal development would not conflict with the Barking and Dagenham Borough Wide Development Policies DPD 2011 Policies BP8 and BP11, where they seek to protect residential amenity. It would also meet the aims of paragraph 17 of the National Planning Policy Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

A Napier

INSPECTOR